

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY JOHN VENERI, JR., AM-2547,)	
Petitioner,)	
)	
v.)	2:13-cv-668
)	
SUPERINTENDENT COLEMAN, et al.,)	
Respondents.)	

MEMORANDUM and ORDER

Mitchell, M.J.:

Anthony John Veneri, Jr., an inmate at the State Correctional Institution at Fayette has presented a petition for a writ of habeas corpus which he has been granted leave to prosecute in forma pauperis.

Veneri is presented serving a twenty-five to fifty year sentence imposed following his conviction of two armed bank robberies, four counts of kidnapping and two firearms violations at Nos. 3526-78 and 3713-78 in the Court of Common Pleas of Delaware County, Pennsylvania. This sentence was imposed on September 26, 1979.¹

It is provided in 28 U.S.C. §2241(d) that:

Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a state which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

While the petitioner is in custody in the Western District of Pennsylvania, the trial court which sentenced him is located in Delaware County which is located in the Eastern District of Pennsylvania. Since it would appear that the interests of justice would best be served by

¹ See: Petition at ¶¶ 1-5.

transferring the instant petition to the United States District Court for the Eastern District of Pennsylvania, the petition will be transferred to that District.²

An appropriate Order shall be entered.

² We note that on August 26, 1999, Veneri also filed a habeas corpus petition in this Court at Docket No. 2:99-cv-1398. That petition was dismissed on September 21, 1999 and a certificate of appealability was denied. An appeal was taken to the United States Court of Appeals for the Third Circuit which Court on August 15, 2002 vacated the judgment and remanded the matter for further proceedings. On December 16, 2002, the action was dismissed pursuant to 28 U.S.C. 1915A as failing to state a claim upon which relief may be granted. No further appeal occurred.

ORDER

AND NOW, this 14th day of May, 2013, for the reasons set forth in the foregoing Memorandum, IT IS ORDERED that the above captioned petition for a writ of habeas corpus be transferred forthwith to the United States District Court for the Eastern District of Pennsylvania.

s/ Robert C. Mitchell
United States Magistrate Judge